


GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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MEMORANDUM

TO: Board of Zoning Adjustment
FROM:  Jennifer Steingasser, Deputy Director
DATE: September 15, 2008

SUBJECT: BZA Application 17817, 1422 Massachusetts Ave SE

SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends:

- approval of a special exception for the existing community service use; and
- approval of variance reducing the parking requirement to one parking space accessed from the existing alley.

APPLICANT'S REQUEST

This application from the Visitor Services Center (VSC) originally requested Board of Zoning Adjustment approval of a special exception under § 334 of the Zoning Regulations for community service center use that would apply to the existing VSC. The VSC has been in operation since 1969 without previous special exception approval.

A revised Notice of Public Hearing mailed on August 27, 2008 to Advisory Neighborhood Commission (ANC) 6B and owners of property within 200 feet of the subject property added a request for a variance from the off-street parking requirement under § 2101.1.

AREA AND SITE DESCRIPTION

The subject 16 x 100-foot lot 98 on Square 1059 has a land area of 1,600 square feet and is developed with a two-story one-family row dwelling with a basement that was constructed in 1918. Submitted plans indicate the building floor area above-grade is approximately 1,420 square feet and that the total building extends approximately 53 feet into the lot. There is no other structure or a parking pad on the remaining 47 feet of rear yard that is surrounded by fences. The alley adjacent to the rear property boundary connects with Massachusetts Avenue, A Street and 14th Street, SE and varies in width from 10 to 20 feet.

Surrounding development consists of similar two-story one-family row dwellings along Massachusetts Avenue, many with rear garages or parking pads along the alley; similar row dwellings and two-three story apartment buildings to the south across Massachusetts Avenue; and vacant alley lots to the north that appear to be used primarily for vehicle parking. The subject property and surrounding properties all are in an R-4 district (refer to Exhibit 1).

ZONING RELIEF REQUIRED

The R-4 district permits a community service use by special exception subject to the provisions of §§ 334 and 3104 of the Zoning Regulations. The supplemental Statement of the Applicant dated September 9, 2008 indicates VSC began operation in 1969, however no previous special exception has been approved for the current use of the property and there is no Certificate of Occupancy for this use on file in the Department of Consumer and Regulatory Affairs.

This use is required to meet the onsite parking requirement per §§ 2100.4 and 2101.1; one space for every 600 feet of gross floor which is approximately 2.4 or two parking spaces.¹

Compliance with §334

334.1 *A community service center to accommodate organizations created for the purpose of improving the social or economic well being of the residents of the neighborhood in which the center is proposed to be located which may include but not be limited to centers for job training, family counseling, consumer cooperatives, and such other facilities as are similar in nature and purpose, shall be permitted in an R-4 District if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.* According to Background section of the submitted Preliminary Statement of Compliance with the Burden of Proof and the organization website, the VSC "... provides immediate and practical assistance to men and women in the DC Jail (Central Detention Facility)" which is located approximately four blocks east at the intersection of 19th Street and Massachusetts Avenue SE. This volunteer organization handles a variety of service requests from persons in detention and following their release. The intake, casework and family services, and the Drop-In program listed in the supplement would appear support the mental, social or economic well-being of the current and former detainees, and the detainee families served.

As a result the proposed use is consistent with this standard.

334.2 *A community service center shall be located so that it is not likely to become objectionable to neighboring properties because of noise or other objectionable conditions.*

The application indicates that the VSC has been in operation for more than 30 years. There are no indications that traffic and noise generated during that period by this use have been objectionable to the surrounding neighborhood.

Parking along this section of Massachusetts Avenue is also subject to Zone 6 permit parking restrictions that limit on-street parking to two hours except for residents with parking permits. VCS currently employs three fulltime staff and three part-time staff, and 6-8 volunteers work with this organization on a monthly basis. Discussions with staff indicate that most volunteers arrive by mass transit. One fulltime staff person that

¹ This estimated parking requirement is based on the submitted plans which designate the dwelling floor area partially below grade as a "basement" which would not be included in the floor area calculation. However the supplemental statement indicates the building "... contains approximately 2,241 square feet of gross floor area and cellar floor area" which would increase the parking requirement to 3.7 or four on-site parking spaces.

does drive also lives in Zone 6 and has the permit required for unlimited parking on Massachusetts Avenue. Other staff must move their parked vehicles every two hours.

Based on this information and the lack of concern expressed by the immediate neighbors (refer to Community Comments below), the proposed use has been consistent with this standard. The supplemental statement seems to indicate a trend of an increasing organization workload, from 1,000 service requests in the early days to more than 6,000 requests annually.

- 334.3 *No structural changes shall be made except those required by other municipal laws or regulations.*

The application proposes no structural changes to the existing building.

- 334.4 *The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located.*

While not adjacent to the Central Detention Facility it serves, the current site of the Visitor's Service Center is in the vicinity of its client population and easily accessible by vehicle and transit service along Massachusetts Avenue (refer to Exhibit 2).

- 334.5 *A community service center shall not be organized for profit, and no part of its net income inures to the benefit of any private shareholder or individual.*

Section II (D.) of the Preliminary Statement states, "Visitor's Service Center is a 501 (c) (3) nonprofit organization and no part of its net income inures to the benefit of any private shareholders or individuals." The Department of Tax and Revenue confirmed that the Visitor's Service Center is deemed a nonprofit organization.

Based on this information, OP determined that this application meets the special exception referenced standards for BZA approval.

Parking Compliance with §3103.2

As noted above, this use is required to provide (at least) two onsite parking spaces. Since no parking is currently provided on the subject property, the applicant is requesting variance relief from this requirement in accordance with the following standards:

- Unique conditions or circumstances: The unique circumstance is the existing nonconforming community service center use that has occupied the former dwelling for more than 30 years. The Statement of the Applicant indicates that the uniqueness of this site is a result of its small size and configuration and the fact, "The Site is also improved with a building that covers nearly 90% of the site, which leaves no room to physically locate the required off-street parking spaces on the surface of the lot (pages 9 and 10)." However, OP found that:
 - the submitted plans indicate that the existing dwelling only extends 53 feet into the lot and no other structure exist on the remaining 47 feet of rear yard; and
 - no other structures were visible in the photographs of the rear yard in the original submission or to OP staff during a site visit.

Accordingly, the information in the Statement does not add to the uniqueness of this application.

- Practical difficulty: At 16-feet wide, the property does not have sufficient width to provide more than one 9 x 19-foot parking space although either two or three spaces are required.
- Detriment to the Public Good: Letters of support from the neighboring property owners do not indicate that the lack of on-site parking has presented a problem. However, it would be prudent to provide parking for this community service center given the trend of increasing demands for support services in response to growing population at the Central Detention Center and their families, and the potential need for more volunteers who do not reside in the area.

Based on this analysis, this application meets the standards for approval of the special exception for the community service use. Based on the referenced unique circumstances and practical difficulty, a variance reducing the required parking to one vehicle space would not be detrimental to the public good and would not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

COMMUNITY COMMENTS

On September 9, 2008, Advisory Neighborhood Commission (ANC) 6B voted unanimously to support this application, and two letters of support are in the record file from owners of the abutting properties at 1420 and 1424 Massachusetts Avenue, SE.

RECOMMENDATION

OP recommends:

- approval of a special exception for the existing community service use; and
- approval of variance reducing the parking requirement to one parking space accessed from the existing alley.

JS/afj

Arthur Jackson, Case Manager

Attachment: Exhibit 1 Aerial Including Zoning
Exhibit 2 Proximity of Subject Property to DC Jail



**BZA Application No. 17817
1422 Massachusetts Ave SE**



★ ★ ★ Government of the
District of Columbia
Adrian M. Fenty, Mayor

Office of Planning ~ December 13, 2007

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LEGEND

- Property Squares
- Owner Points (Lite)
- Street Centerlines
- Water
- Parks



BZA Application No. 17817
Proximity of Subject Property to DC Jail



*** Government of the
 District of Columbia
 Adrian M. Fenty, Mayor

Office of Planning ~ August 12, 2008

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LEGEND

- Metro Bus Routes
- Property Squares
- Owner Points (Lite)
- Street Centerlines
- Water
- Parks